

EXHIBIT A

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STARKIST CO.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

WARREN GARDNER, et al., on behalf of
Themselves and all others similarly situated,

Plaintiffs,

v.

STARKIST CO., a Delaware Corporation,

Defendant.

Case No. 3:19-cv-02561-WHO

**STARKIST CO.'S RESPONSES AND
OBJECTIONS TO PLAINTIFFS'
REVISED FIRST SET OF REQUESTS
FOR ADMISSION**

Pursuant to Rules 26 and 36 of the Federal Rules of Civil Procedure, Defendant StarKist Co. (“StarKist”) hereby responds and objects to Plaintiffs’ Revised First Set of Requests for Admission served by electronic mail on September 25, 2020 (the “Requests”) as follows:

PRELIMINARY STATEMENT

1. These responses and objections are based on StarKist’s interpretation and understanding of the individual Requests and its investigation to date, its knowledge, and its belief. Pursuant to Rule 26(e) of the Federal Rules of Civil Procedure, StarKist expressly reserves the right to augment, amend, or supplement these responses and objections as necessary, including based on additional or different information that further investigation or discovery may disclose.

2. StarKist’s responses and objections to the Requests are made solely for the purpose of and in relation to the above-captioned action (the “Action”) and on the express condition that such information shall not be used or disclosed for any other purpose. To the extent StarKist provides any information in response to the Requests, it will do so in accordance with the Stipulated Protective Order that the Court entered on April 16, 2020 (Dkt. No. 96).

3. StarKist reserves the right to refer to, to conduct discovery with reference to, or to offer into evidence at the time of trial, any and all facts, evidence, documents, and things developed during the course of discovery and trial preparation, notwithstanding the reference to facts, evidence, documents, and things in these responses.

4. StarKist’s responses and objections are made without waiving or intending to waive any objection(s).

GENERAL OBJECTIONS

1. StarKist objects to the Requests based on the Court’s June 4, 2020 Order on Discovery Dispute in the related case *Duggan v. Tri-Union Seafoods LLC*, Case No. 3:19-cv-02562-WHO (*Duggan* Dkt. No. 74) (the “Discovery Order”). Specifically, StarKist objects to the extent Plaintiffs’ Requests are in violation of the Court’s Discovery Order

1 holding that the “only label at issue in [this Action] is the dolphin-safe label” and that
2 discovery requests “relating to sustainability should be narrowed to . . . relate to dolphin
3 harm and/or dolphin mortality.”

4 2. StarKist objects to the Requests to the extent they impose obligations and
5 demands upon StarKist beyond those contemplated by the Federal Rules of Civil
6 Procedure, the applicable Local Rules, or any order or ruling by the Court in this case.

7 3. StarKist objects to the Requests to the extent they seek information that is
8 not in StarKist’s possession, custody, or control. StarKist further objects to the Requests to
9 the extent that they purport to require StarKist to conduct anything beyond a reasonable and
10 diligent search for responsive information where such information would reasonably be
11 expected to be found.

12 4. StarKist objects to the Requests to the extent they seek the disclosure of
13 information protected by any applicable privilege, including but not limited to the attorney-
14 client privilege, common-interest privilege, the work-product doctrine or immunity, and
15 any other applicable privilege, immunity, or exemption from discovery as outlined in the
16 Federal Rules of Civil Procedure, Local Rules, any order or ruling by the Court in this case,
17 and applicable law. To the fullest extent allowable under Federal Rule of Evidence 502 and
18 any other applicable law, inadvertent disclosure of any such information shall not constitute
19 a waiver of any privilege with respect to the information disclosed or the subject matter
20 thereof, or a waiver of StarKist’s right to object to the use of any such information during
21 trial or any subsequent proceeding or to demand the return of any information so disclosed.

22 5. StarKist objects to the Requests to the extent they seek trade secrets,
23 sensitive business information, or other information that is proprietary and/or confidential,
24 including information deemed confidential pursuant to a confidentiality agreement or other
25 arrangements or protected from disclosure pursuant to court order. StarKist will not
26 disclose or produce information that is subject to confidentiality restrictions of a third party
27 except in conformity with StarKist’s obligations to such third parties.

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1 6. StarKist objects to the Requests to the extent that they contain inaccurate,
2 incomplete, or misleading descriptions of the facts, persons, relationships, and/or events
3 underlying this Action. StarKist further objects to the Requests in their entirety to the
4 extent that they assume the existence of facts that do not exist or the occurrence of events
5 that did not take place. The fact that StarKist is willing to provide responsive information
6 does not constitute an admission that any Request is proper, that the information it seeks is
7 relevant or within the proper bounds of discovery, that the factual predicates stated in the
8 Requests are accurate, or that similar Requests will be treated in a similar fashion.

9 7. StarKist objects to the Requests to the extent that they are overbroad, unduly
10 burdensome, not reasonably calculated to lead to the discovery of admissible evidence, not
11 related to any party's claim or defense, or not proportional to the needs of the case.

12 8. StarKist objects to the Requests to the extent that they seek information
13 already obtained by Plaintiffs or that they can obtain from sources that are more convenient,
14 less burdensome, or less expensive. In particular, StarKist objects to the extent the
15 Requests seek information, which by reason of public filing, prior production, or otherwise,
16 are already in Plaintiffs' possession or are readily accessible to Plaintiffs.

17 9. StarKist objects to the Requests as premature to the extent that StarKist
18 would have to engage in expert analysis, and/or render expert opinions in order to respond.

19 10. StarKist objects to the Requests to the extent that they are duplicative or
20 cumulative, and objects to each Request to the extent that it is duplicative or cumulative of
21 other discovery.

22 11. StarKist objects to the definitions of "and," "or," and "any" as vague,
23 ambiguous, overbroad, unduly burdensome, and to the extent they impose obligations on
24 StarKist that are different or broader than those set forth in the Federal Rules of Civil
25 Procedure, applicable Local Rules, or any order or ruling by the Court in this case. StarKist
26 will construe "and," "or," and "any" to have their normal meaning.

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12. StarKist objects to the definition of “FADs” as vague, ambiguous, overbroad, and unduly burdensome because it is not limited to fish aggregating devices used to attract tuna for use in the tuna products at issue in this case.

13. StarKist objects to the definition of “Label(s)” and “Labeling” as vague, ambiguous, overbroad, and unduly burdensome to the extent they purport to include “any other promotion or promotional campaign materials that . . . come with” any StarKist product.

14. StarKist objects to the definition of “Longlines” as vague, ambiguous, overbroad, and unduly burdensome because it is not limited to longlines used to catch tuna for use in the tuna products at issue in this case.

15. StarKist objects to the definition of “Product(s)” as vague, ambiguous, overbroad, and unduly burdensome to the extent it purports to include any tuna products that are not branded as “StarKist” products.

16. StarKist objects to the definition of “Retailer(s)” as vague, ambiguous, overbroad, and unduly burdensome in its use of the term “end-users” and its reference to “business locations . . . online . . . in the United States.”

17. StarKist objects to the definition of “StarKist,” “You,” “Your,” and “Manufacturer” as vague, ambiguous, overbroad, and unduly burdensome to the extent that it purports to encompass StarKist’s “past and present parents, subsidiaries, affiliates, predecessors, successors, employees, independent contractors, officers, agents, vendors, accountants, and all other persons or entities acting on its behalf or under its direct or indirect control including, without limitation, Dongwon Industries Co. Ltd.” StarKist further objects to this definition to the extent it seeks information not within StarKist’s possession, custody, or control. StarKist further objects to this definition to the extent it seeks information from Dongwon Industries Co. Ltd., which has been dismissed from this Action with prejudice. StarKist further objects to this definition to the extent it seeks information, the disclosure of which is prohibited by law, regulation, order of a court, or other authority of a foreign jurisdiction in which the information is located. StarKist further

objects to the extent that the definition calls for a legal conclusion as to any agency, employment, or affiliate relationship. StarKist will construe “StarKist,” “You,” “Your,” and “Manufacturer” to mean StarKist Co.

18. StarKist objects to the definition of “Sustainable” as overbroad, uncertain, vague, and ambiguous, particularly in light of the Discovery Order holding that discovery requests “relating to sustainability should be narrowed to . . . relate to dolphin harm and/or dolphin mortality.”

19. StarKist objects to the definition of “Traditional FADs” as vague, ambiguous, overbroad, and unduly burdensome in its use of the double negative “not non-entangling.”

20. StarKist objects to the INSTRUCTIONS to the extent that they seek to impose any obligations on StarKist that are different or broader than those set forth in the Federal Rules of Civil Procedure, applicable Local Rules, or any order or ruling by the Court in this case.

StarKist hereby incorporates the foregoing General Objections into each of its responses below, as though fully stated therein.

SPECIFIC RESPONSES AND OBJECTIONS

REVISED REQUEST FOR ADMISSION NO. 1

Admit that all the Products sold in the United States were continuously labeled with StarKist’s Dolphin Safe Logo.

RESPONSE TO REVISED REQUEST FOR ADMISSION NO. 1

StarKist hereby incorporates by reference its General Objections. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case, particularly in its use of the phrase “all the Products.” StarKist further objects to this Request as vague and ambiguous, particularly with respect to the phrase “continuously labeled.” StarKist further objects to the Request to the extent that it seeks information that is publicly available and/or can be obtained from sources that are more convenient, less burdensome, or less expensive.

StarKist further objects to this Request to the extent it seeks information not within the possession, custody, or control of StarKist. StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection.

Subject to and without waiving these objections, StarKist admits that all StarKist branded Products sold in the United States were labeled with StarKist's Dolphin Safe Logo during the period from May 13, 2015 to September 25, 2020.

REVISED REQUEST FOR ADMISSION NO. 2

Admit that dolphins are harmed or killed in sourcing tuna for Your Products.

RESPONSE TO REVISED REQUEST FOR ADMISSION NO. 2

StarKist hereby incorporates by reference its General Objections. StarKist further objects to this Request as compound. StarKist further objects to this Request as vague and ambiguous, particularly with respect to the term "harmed" and the phrase "in sourcing." StarKist further objects to the Request to the extent that it seeks information that is publicly available and/or can be obtained from sources that are more convenient, less burdensome, or less expensive. StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection.

Subject to and without waiving these objections, StarKist denies this Request.

REVISED REQUEST FOR ADMISSION NO. 3

Admit that You do not know how many dolphins are harmed or killed in sourcing tuna for Your Products.

RESPONSE TO REVISED REQUEST FOR ADMISSION NO. 3

StarKist hereby incorporates by reference its General Objections. StarKist further objects to this Request as compound. StarKist further objects to this Request as vague and ambiguous, particularly with respect to the term "harmed" and the phrase "in sourcing." StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection.

Subject to and without waiving these objections, StarKist denies this Request.

REVISED REQUEST FOR ADMISSION NO. 4

Admit that You have no information disputing that consumers of Your Products believe that your “Dolphin Safe” logo means that dolphins are not killed or harmed in your supply chain.

RESPONSE TO REVISED REQUEST FOR ADMISSION NO. 4

StarKist hereby incorporates by reference its General Objections. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case, particularly with respect to the phrase “no information.” StarKist further objects to this Request as vague and ambiguous, particularly with respect to the terms “disputing,” “harmed,” and “supply chain,” and in the use of the double negative. StarKist further objects to this Request as premature in that it calls for information that is the proper subject of expert analysis and/or opinions. StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection.

REVISED REQUEST FOR ADMISSION NO. 5

Admit that Longlines were used to capture some of the tuna in Your Products.

RESPONSE TO REVISED REQUEST FOR ADMISSION NO. 5

StarKist hereby incorporates by reference its General Objections. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case. StarKist further objects to this Request as vague and ambiguous, particularly with respect to the term “capture.” StarKist further objects to the Request to the extent that it seeks information that is publicly available and/or can be obtained from sources that are more convenient, less burdensome, or less expensive. StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection.

1 Subject to and without waiving these objections, StarKist admits that longlines were
2 used to capture some of the tuna in StarKist branded Products sold in the United States
3 during the period from May 13, 2015 to September 25, 2020.

4 **REVISED REQUEST FOR ADMISSION NO. 6**

5 Admit that some of the tuna in Your Products is supplied by purse seine fishing
6 vessels using Traditional FADs.

7 **RESPONSE TO REVISED REQUEST FOR ADMISSION NO. 6**

8 StarKist hereby incorporates by reference its General Objections. StarKist further
9 objects on the basis that this Request is overbroad and unduly burdensome and seeks
10 information that is not proportional to the needs of discovery in this case. StarKist further
11 objects to this Request as vague and ambiguous, particularly with respect to the phrase
12 “purse seine fishing vessels.” StarKist further objects to the Request to the extent that it
13 seeks information that is publicly available and/or can be obtained from sources that are
14 more convenient, less burdensome, or less expensive. StarKist further objects to the
15 Request to the extent that it seeks information protected from discovery by any applicable
16 privilege, immunity, or protection.

17 Subject to and without waiving these objections, StarKist admits that purse seine
18 fishing vessels using Traditional FADs supplied some of the tuna in StarKist branded
19 Products sold in the United States during the period from May 13, 2015 to September 25,
20 2020.

21 **REVISED REQUEST FOR ADMISSION NO. 7**

22 Admit that Longlines and purse seine fishing vessels using Traditional FADs
23 capture at least 80% of the tuna in your Products.

24 **RESPONSE TO REVISED REQUEST FOR ADMISSION NO. 7**

25 StarKist hereby incorporates by reference its General Objections. StarKist further
26 objects on the basis that this Request is overbroad and unduly burdensome and seeks
27 information that is not proportional to the needs of discovery in this case. StarKist further
28 objects to this Request as vague and ambiguous, particularly with respect to the term

“capture” and the phrases “purse seine fishing vessels” and “80% of the tuna in your Products.” StarKist further objects to this Request as cumulative and duplicative of Request Nos. 5 and 6. StarKist further objects to the Request to the extent that it seeks information that is publicly available and/or can be obtained from sources that are more convenient, less burdensome, or less expensive. StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection.

Subject to and without waiving these objections, StarKist denies this Request.

REVISED REQUEST FOR ADMISSION NO. 8

Admit that You have studied whether “Dolphin Safe” would be important to consumers of Your Products.

RESPONSE TO REVISED REQUEST FOR ADMISSION NO. 8

StarKist hereby incorporates by reference its General Objections. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case. StarKist further objects to this Request as vague and ambiguous, particularly with respect to the term “studied” and the phrase “whether ‘Dolphin Safe’ would be important.” StarKist further objects to this Request as premature to the extent that it calls for expert analysis and/or opinions. StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection. StarKist further objects to this Request to the extent it calls for information that is subject to third-party confidentiality restrictions.

Subject to and without waiving these objections, StarKist StarKist admits that it is aware of two studies of tuna consumers during the period from May 13, 2015 to September 25, 2020 that mention dolphin safety. StarKist otherwise denies this Request.

REVISED REQUEST FOR ADMISSION NO. 9

Admit that You have studied whether “Dolphin Safe” would be important to Retailers of Your Products.

RESPONSE TO REVISED REQUEST FOR ADMISSION NO. 9

StarKist hereby incorporates by reference its General Objections. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case. StarKist further objects to this Request as vague and ambiguous, particularly with respect to the term “studied” and the phrase “whether ‘Dolphin Safe’ would be important.” StarKist further objects to this Request as premature to the extent that it calls for expert analysis and/or opinions. StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection. StarKist further objects to this Request to the extent it calls for information that is subject to third-party confidentiality restrictions.

Subject to and without waiving these objections, StarKist denies this Request.

REVISED REQUEST FOR ADMISSION NO. 10

Admit that “Dolphin Safe” is an important factor for consumers of Your Products.

RESPONSE TO REVISED REQUEST FOR ADMISSION NO. 10

StarKist hereby incorporates by reference its General Objections. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case. StarKist further objects to this Request as vague and ambiguous, particularly with respect to the phrase “‘Dolphin Safe’ is an important factor.” StarKist further objects to this Request as premature in that it calls for information that is the proper subject of expert analysis and/or opinions. StarKist further objects to this Request as cumulative and duplicative of Request No. 8. StarKist further objects to the Request to the extent that it seeks information that is publicly available and/or can be obtained from sources that are more convenient, less burdensome, or less expensive. StarKist further objects to this Request to the extent it seeks information not within the possession, custody, or control of StarKist. StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection.

1 **REVISED REQUEST FOR ADMISSION NO. 11**

2 Admit that “Dolphin Safe” is an important factor for Retailers of Your Products.

3 **RESPONSE TO REVISED REQUEST FOR ADMISSION NO. 11**

4 StarKist hereby incorporates by reference its General Objections. StarKist further
5 objects on the basis that this Request is overbroad and unduly burdensome and seeks
6 information that is not proportional to the needs of discovery in this case. StarKist further
7 objects to this Request as vague and ambiguous, particularly with respect to the phrase
8 “‘Dolphin Safe’ is an important factor.” StarKist further objects to this Request as
9 premature in that it calls for information that is the proper subject of expert analysis and/or
10 opinions. StarKist further objects to this Request as cumulative and duplicative of Request
11 No. 9. StarKist further objects to the Request to the extent that it seeks information that is
12 publicly available and/or can be obtained from sources that are more convenient, less
13 burdensome, or less expensive. StarKist further objects to this Request to the extent it
14 seeks information not within the possession, custody, or control of StarKist. StarKist
15 further objects to the Request to the extent that it seeks information protected from
16 discovery by any applicable privilege, immunity, or protection.

17 **REVISED REQUEST FOR ADMISSION NO. 12**

18 Admit that You have studied whether the use of Sustainable fishing practices in
19 capturing the tuna in Your Products is important to consumers of Your Products.

20 **RESPONSE TO REVISED REQUEST FOR ADMISSION NO. 12**

21 StarKist hereby incorporates by reference its General Objections. StarKist further
22 objects on the basis that this Request is overbroad and unduly burdensome and seeks
23 information that is not proportional to the needs of discovery in this case, particularly in
24 light of the Discovery Order holding that discovery requests “relating to sustainability
25 should be narrowed to . . . relate to dolphin harm and/or dolphin mortality.” StarKist
26 further objects to this Request as vague and ambiguous, particularly with respect to the
27 terms “studied,” “Sustainable,” “capturing,” and “important.” StarKist further objects to
28 this Request as premature to the extent that it calls for expert analysis and/or opinions.

StarKist further objects to this Request as cumulative and duplicative of Request Nos. 8 and 10. StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection. StarKist further objects to this Request to the extent it calls for information that is subject to third-party confidentiality restrictions.

REVISED REQUEST FOR ADMISSION NO. 13

Admit that You have studied whether the use of Sustainable fishing practices in capturing the tuna in Your Products is important to Retailers of Your Products.

RESPONSE TO REVISED REQUEST FOR ADMISSION NO. 13

StarKist hereby incorporates by reference its General Objections. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case, particularly in light of the Discovery Order holding that discovery requests “relating to sustainability should be narrowed to . . . relate to dolphin harm and/or dolphin mortality.” StarKist further objects to this Request as vague and ambiguous, particularly with respect to the terms “studied,” “Sustainable,” “capturing,” and “important.” StarKist further objects to this Request as premature to the extent that it calls for expert analysis and/or opinions. StarKist further objects to this Request as cumulative and duplicative of Request Nos. 9 and 11. StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection. StarKist further objects to this Request to the extent it calls for information that is subject to third-party confidentiality restrictions.

REVISED REQUEST FOR ADMISSION NO. 14

Admit that the use of Sustainable fishing practices in capturing the tuna in Your Products is important to consumers of Your Products.

RESPONSE TO REVISED REQUEST FOR ADMISSION NO. 14

StarKist hereby incorporates by reference its General Objections. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks

information that is not proportional to the needs of discovery in this case, particularly in light of the Discovery Order holding that discovery requests “relating to sustainability should be narrowed to . . . relate to dolphin harm and/or dolphin mortality.” StarKist further objects to this Request as vague and ambiguous, particularly with respect to the terms “Sustainable,” “capturing,” and “important.” StarKist further objects to this Request as premature to the extent that it calls for expert analysis and/or opinions. StarKist further objects to this Request as cumulative and duplicative of Request Nos. 8, 10, and 12. StarKist further objects to the Request to the extent that it seeks information that is publicly available and/or can be obtained from sources that are more convenient, less burdensome, or less expensive. StarKist further objects to this Request to the extent it seeks information not within the possession, custody, or control of StarKist. StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection.

REVISED REQUEST FOR ADMISSION NO. 15

Admit that the use of Sustainable fishing practices in capturing the tuna in Your Products is important to Retailers of Your Products.

RESPONSE TO REVISED REQUEST FOR ADMISSION NO. 15

StarKist hereby incorporates by reference its General Objections. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case, particularly in light of the Discovery Order holding that discovery requests “relating to sustainability should be narrowed to . . . relate to dolphin harm and/or dolphin mortality.” StarKist further objects to this Request as vague and ambiguous, particularly with respect to the terms “Sustainable,” “capturing,” and “important.” StarKist further objects to this Request as premature to the extent that it calls for expert analysis and/or opinions. StarKist further objects to this Request as cumulative and duplicative of Request Nos. 9, 11, and 13. StarKist further objects to the Request to the extent that it seeks information that is publicly available and/or can be obtained from sources that are more convenient, less burdensome,

or less expensive. StarKist further objects to this Request to the extent it seeks information not within the possession, custody, or control of StarKist. StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection.

REVISED REQUEST FOR ADMISSION NO. 16

Admit that FADs, regardless of design, attract dolphins.

RESPONSE TO REVISED REQUEST FOR ADMISSION NO. 16

StarKist hereby incorporates by reference its General Objections. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case. StarKist further objects to this Request as vague and ambiguous, particularly with respect to the term “attract.” StarKist further objects to the Request to the extent that it seeks information that is publicly available and/or can be obtained from sources that are more convenient, less burdensome, or less expensive. StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection.

Subject to and without waiving these objections, StarKist denies this Request.

REVISED REQUEST FOR ADMISSION NO. 17

Admit that the price You charge for Your Products includes at least some of the costs to You of obtaining and maintaining authorization to use the StarKist Dolphin Safe logo on Your Products.

RESPONSE TO REVISED REQUEST FOR ADMISSION NO. 17

StarKist hereby incorporates by reference its General Objections. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case, particularly in light of Plaintiffs’ repeated representations and the Court’s repeated recognition that the allegations in this Action do not relate to compliance with the DPCIA. *See, e.g.*, Dkt. No. 84 at 13; Dkt. No. 92 at 8. StarKist further objects to this Request as vague and ambiguous,

1 particularly with respect to the phrases “includes at least some of the costs” and “obtaining
2 and maintaining authorization to use.” StarKist further objects to this Request as premature
3 to the extent that it calls for expert analysis and/or opinions. StarKist further objects to the
4 Request to the extent that it seeks information protected from discovery by any applicable
5 privilege, immunity, or protection.

6 **REVISED REQUEST FOR ADMISSION NO. 18**

7 Admit that the price You charge for Your Products includes at least some of the cost
8 to You of complying with the DPCIA.

9 **RESPONSE TO REVISED REQUEST FOR ADMISSION NO. 18**

10 StarKist hereby incorporates by reference its General Objections. StarKist further
11 objects on the basis that this Request is overbroad and unduly burdensome and seeks
12 information that is not proportional to the needs of discovery in this case, particularly in
13 light of Plaintiffs’ repeated representations and the Court’s repeated recognition that the
14 allegations in this Action do not relate to compliance with the DPCIA. *See, e.g.*, Dkt. No.
15 84 at 13; Dkt. No. 92 at 8. StarKist further objects to this Request as vague and ambiguous,
16 particularly with respect to the phrase “includes at least some of the cost.” StarKist further
17 objects to this Request as premature to the extent that it calls for expert analysis and/or
18 opinions. StarKist further objects to the Request to the extent that it seeks information
19 protected from discovery by any applicable privilege, immunity, or protection.

20 **REVISED REQUEST FOR ADMISSION NO. 19**

21 Admit that the FADs used to capture the tuna in Your Products indiscriminately
22 capture or harm dolphins.

23 **RESPONSE TO REVISED REQUEST FOR ADMISSION NO. 19**

24 StarKist hereby incorporates by reference its General Objections. StarKist further
25 objects to this Request as compound. StarKist further objects to this Request as vague and
26 ambiguous, particularly with respect to the terms “capture,” “indiscriminately,” and
27 “harm.” StarKist further objects to the Request to the extent that it seeks information that is
28 publicly available and/or can be obtained from sources that are more convenient, less

1 burdensome, or less expensive. StarKist further objects to the Request to the extent that it
2 seeks information protected from discovery by any applicable privilege, immunity, or
3 protection.

4 Subject to and without waiving these objections, StarKist denies this Request.

5 **REVISED REQUEST FOR ADMISSION NO. 20**

6 Admit that the Longlines used to capture the tuna in Your Products indiscriminately
7 capture or harm dolphins.

8 **RESPONSE TO REVISED REQUEST FOR ADMISSION NO. 20**

9 StarKist hereby incorporates by reference its General Objections. StarKist further
10 objects to this Request as compound. StarKist further objects to this Request as vague and
11 ambiguous, particularly with respect to the terms “capture,” “indiscriminately,” and
12 “harm.” StarKist further objects to the Request to the extent that it seeks information that is
13 publicly available and/or can be obtained from sources that are more convenient, less
14 burdensome, or less expensive. StarKist further objects to the Request to the extent that it
15 seeks information protected from discovery by any applicable privilege, immunity, or
16 protection.

17 Subject to and without waiving these objections, StarKist denies this Request.

18 Dated: October 26, 2020

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